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Of Counsel for Defendant Payless ShoeSource, Inc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**ADIDAS AMERICA, INC., and  
ADIDAS-SALOMON AG,**

No. CV01-1655 RE

Plaintiffs,

DECLARATION OF DAVID V. CLARK

v.

**PAYLESS SHOESOURCE, INC.,**

Defendant.

By Defendant Payless ShoeSource, Inc.  
In Support of Defendant's Motion to Strike

PAGE 1 – DECLARATION OF DAVID V. CLARK

I, David V. Clark, make the following Declaration:

1. I am an attorney with the law firm of Lathrop & Gage LC, which represents the Defendant in this action. I am over the age of twenty-one, I am competent to make this Declaration, and the facts set forth in this Declaration are based upon my personal knowledge.

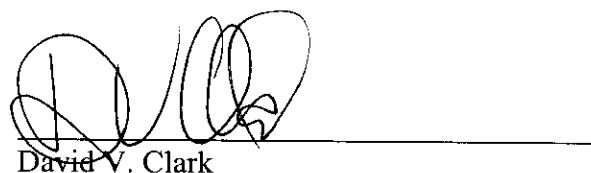
2. Attached as Exhibit 1 is a true and correct copy of the prayers for relief from the complaints filed by adidas in *adidas America, Inc., et al. v. Target Corporation, et al.*, Case No. CV01-1582 ST, U.S.D.C., D. Or. and *adidas America, Inc., et al. v. Cels Enterprises, Inc.*, Case No. 3:03cv323U.S.D.C., D. Or.

3. Attached as Exhibit 2 is a true and correct copy of pages from Plaintiffs' Responses to Defendants' First Set of Interrogatories in *adidas America, Inc., et al. v. Cels Enterprises, Inc.*, Case No. 3:03cv323U.S.D.C., D. Or. and Plaintiffs' Responses to Defendant B.U.M. International, Inc.'s First Set of Interrogatories in *adidas America, Inc., et al. v. Target Corporation, et al.*, Case No. CV01-1582 ST, U.S.D.C., D. Or.

4. Attached as Exhibit 3 is a true and correct copy of pages from the Transcript of Motion for Summary Judgment argument on January 15, 2002, in *adidas America, Inc., et al. v. Target Corporation, et al.*, Case No. CV01-1582 ST, U.S.D.C., D. Or.

5. Attached as Exhibit 4 is a true and correct copy of the 1994 Settlement Agreement between adidas and Payless.

I declare under penalty of perjury under the laws of the United States and the state of Oregon that the foregoing is true and correct.



David V. Clark

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